

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC  
and the Chapter 7 Estate of Bernard L. Madoff,

Plaintiff,

v.

BNP PARIBAS – DUBLIN BRANCH,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 22-01087 (CGM)

**STIPULATION AND ORDER**

**WHEREAS**, on April 27, 2022 the plaintiff, Irving H. Picard (the “Trustee”), as trustee for the liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”), under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-*lll* (“SIPA”), substantively consolidated with the chapter 7 estate of Bernard L. Madoff (“Madoff”), filed a complaint (the “Complaint”) against BNP Paribas - Dublin Branch (the “Defendant”) in this adversary proceeding; and

**WHEREAS**, on June 8, 2022, Defendant BNP Paribas - Dublin Branch was served with process of the summons and Complaint in this adversary proceeding;

**WHEREAS**, on July 7, 2022 the United States Bankruptcy Court for the Southern District of New York entered the Stipulation and Order Extending Time to Respond to Complaint (ECF No. 8) extending the time for Defendant to respond to the Complaint to October 31, 2022;

**WHEREAS**, on October 14, 2022 the United States Bankruptcy Court for the Southern District of New York entered the Stipulation and Order Further Extending Time to Respond to Complaint (ECF No. 12) extending the time for Defendant to respond to the Complaint *sine die*;

**IT IS HEREBY STIPULATED AND AGREED**, that Defendant shall respond to the complaint in the Action, Adv. Pro. No. 22-01017 (Bankr. S.D.N.Y. Apr. 27, 2022), ECF No. 1, by August 4, 2023. If Defendant files a motion to dismiss the complaint, such motion shall set forth any and all grounds for dismissal at the pleading stage. The Trustee shall file its opposition to the motion within sixty (60) days of its filing, and Defendant shall file its reply within thirty (30) days of the filing of the Trustee's opposition.

**IT IS HEREBY FURTHER STIPULATED AND AGREED**, that if Defendant files such a motion to dismiss the complaint, then the parties shall seek oral argument on the motion at the Court's first available convenience. The Trustee and Defendant reserve all rights and defenses they may have with respect to the Complaint, including but not limited to defenses based on personal jurisdiction, venue and forum non conveniens, and entry into this Stipulation shall not impair or otherwise affect such rights and defenses, except for any defenses based upon sufficiency of service of the Complaint.

*[Signatures on following page]*

Dated: June 9, 2023  
New York, New York

*/s/ David J. Sheehan*

---

**BAKER & HOSTETLER LLP**  
45 Rockefeller Plaza  
New York, New York 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
David J. Sheehan  
Email: [dsheehan@bakerlaw.com](mailto:dsheehan@bakerlaw.com)  
Oren J. Warshavsky  
Email: [owarshavsky@bakerlaw.com](mailto:owarshavsky@bakerlaw.com)  
Jason S. Oliver  
Email: [joliver@bakerlaw.com](mailto:joliver@bakerlaw.com)  
Tatiana Markel  
Email: [tmarkel@bakerlaw.com](mailto:tmarkel@bakerlaw.com)  
Carrie A. Longstaff  
Email: [clongstaff@bakerlaw.com](mailto:clongstaff@bakerlaw.com)  
Peter B. Shapiro  
Email: [pshapiro@bakerlaw.com](mailto:pshapiro@bakerlaw.com)

*Attorneys for Irving H. Picard, Trustee  
for the Substantively Consolidated SIPA  
Liquidation of Bernard L. Madoff Investment  
Securities LLC and the Chapter 7 estate of  
Bernard L. Madoff*

*/s/ Thomas S. Kessler*

---

**CLEARY GOTTLIEB STEEN &  
HAMILTON LLP**  
One Liberty Plaza  
New York, NY 10006  
Telephone: (212) 225-2000  
Facsimile: (212) 225-3999  
Lisa M. Schweitzer  
Email: [lschweitzer@cgsh.com](mailto:lschweitzer@cgsh.com)  
Ari D. MacKinnon  
Email: [amackinnon@cgsh.com](mailto:amackinnon@cgsh.com)  
Thomas S. Kessler  
Email: [tkessler@cgsh.com](mailto:tkessler@cgsh.com)  
Jack Massey  
Email: [jamassey@cgsh.com](mailto:jamassey@cgsh.com)

*Attorneys for Defendant BNP Paribas - Dublin  
Branch*

**SO ORDERED.**

**Dated: June 12, 2023  
Poughkeepsie, New York**



*/s/ Cecelia G. Morris*

---

**Hon. Cecelia G. Morris  
U.S. Bankruptcy Judge**